

**R317. Environmental Quality, Water Quality**

**R317-11. Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems.**

**R317-11-1. Scope.**

These certification rules apply to any person who designs, inspects, or maintains underground wastewater disposal systems, or who conducts percolation tests or soil evaluations for underground wastewater disposal systems. A certification is required by any person who performs these activities as provided below.

**R317-11-2. Definitions.**

2.1. "Alternative onsite wastewater system" means a system for treatment and disposal of domestic wastewater or wastes which consists of a building sewer, a septic tank or other sewage treatment or storage unit, and a disposal facility or method which is not a conventional system; but not including a surface discharge to the waters of the state.

2.2. "Board" means the Utah Water Quality Board.

2.3. "Certificate" means a certificate issued by the Division stating that the recipient has met the minimum requirements to be certified as described in this rule.

2.4. "Conventional system" means an onsite wastewater system which consists of a building sewer, a septic tank, and an absorption system consisting of a standard trench, a shallow trench with capping fill, a chambered trench, a deep wall trench, a seepage pit, or an absorption bed.

2.5. "Division" means the Utah Division of Water Quality.

2.6. "Executive Secretary" means the Executive Secretary of the Utah Water Quality Board.

2.7. "Training Center" means the Utah On-site Wastewater Treatment Training Center which has been designated by the Division of Water Quality for training and administration of examinations for certification of persons who design, inspect, maintain, or conduct soil and percolation tests for underground wastewater disposal systems.

2.8. "Underground Wastewater Disposal System" means a system for underground disposal of domestic wastewater. It usually consists of a building sewer, a septic tank, and an absorption system. It includes onsite wastewater systems and large underground wastewater disposal systems.

**R317-11-3. Classes of Certification.**

3.1 There are three classes of certification:

- A. Level 1, soil evaluations and percolation testing;
- B. Level 2, design, inspection and maintenance of conventional underground wastewater disposal systems; and
- C. Level 3, design, inspection and maintenance of alternative underground wastewater disposal systems.

3.2. Certification at any level also requires certification

for all lower levels.

**R317-11-4. Individuals Not Required to Obtain Certification.**

4.1. An individual is not required to obtain certification to maintain an underground wastewater disposal system that serves a noncommercial, private residence owned by the individual or a member of the individual's family and in which the individual or a member of the individual's family resides or an employee of the individual resides without payment of rent.

4.2. An uncertified individual may conduct percolation or soil tests for an underground wastewater disposal system that serves a noncommercial, private residence owned by the individual and in which the individual resides or intends to reside, or which is intended for use by an employee of the individual without payment of rent, if the individual:

A. Has the capability of properly conducting the tests, as determined by the local health department and

B. Is supervised by a certified individual when conducting the tests.

4.3. A person involved in the pumping of an underground wastewater disposal system does not have to be certified under this rule, although licensing by the local health department is required under R317-550.

4.4. Licensed plumbers and electricians, when maintaining electrical equipment or wastewater drainage lines leading to the underground wastewater disposal systems are not required to be certified under this rule.

4.5. Uncertified employees, subordinates or associates of a certified individual are not required to be certified under this rule when working on activities related to underground wastewater disposal systems under the supervision of a certified individual. Supervision means that a certified individual is personally responsible for the work, and reviews, corrects and approves work done by an uncertified employee, subordinate or associate. Such work must be signed by a certified individual.

**R317-11-5. Qualifications for Certification.**

5.1. Soil Evaluation and Percolation Testing. In order to be certified, a person must:

A. Attend a training course provided by the Training Center specifically for the purposes of certification;

B. Successfully pass an examination to be given at the conclusion of the training course.

5.2. Design, Inspection and Maintenance of Conventional Systems. In order to be certified, a person must:

A. Attend a training course provided by the Training Center specifically for the purposes of certification;

B. Successfully pass an examination to be given at the conclusion of the training course.

C. Be certified for soil evaluation and percolation testing.

5.3. Design, Inspection and Maintenance of Alternative Systems. In order to be certified, a person must:

A. Attend training courses for both conventional and alternative systems, provided by the Training Center specifically for the purposes of certification.

B. Successfully pass an examination to be given at the conclusion of the training course.

C. Be certified for soil evaluation and percolation testing, and certified for design, inspection and maintenance of conventional systems

5.4. An environmental health scientist licensed under Title 58, Chapter 20a, Environmental Health Scientist Act, who has at least one year of experience in soils evaluation and percolation testing, and/or the design, inspection and maintenance of underground wastewater disposal systems, is qualified [~~certified~~] by rule and is not required to obtain the training or be tested as required in this section. Evidence of experience appropriate to the class of certification must be provided to the Division or other entity as designated by the Division. After July 1, 2003, the required experience must be under the supervision of a person certified under this program.

5.5. A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, who has received education or experience related to soils evaluation and percolation testing, and/or the design, inspection and maintenance of wastewater disposal systems, is qualified [~~certified~~] by rule and is not required to obtain the training or be tested as required in this section. Evidence of education appropriate to the class of certification must be provided to the Division or other entity as designated by the Division.

5.6. A licensed contractor, who has five or more years of experience installing underground wastewater disposal systems, including performing soils evaluations and percolation tests, and/or the design, inspection and maintenance of underground wastewater disposal systems, is qualified [~~certified~~] by rule and is not required to obtain the training or be tested as required in this section. Evidence of experience appropriate to the class of certification must be provided to the Division or other entity as designated by the Division.

#### **R317-11-6. Application for Certification.**

6.1. In order to be certified by training and examination, a person must register for a training course with the Training Center. Upon successful completion of the training and testing, the person must submit an application to the Division of Water Quality on forms provided by the Division, along with payment of applicable fees.

6.2. In order to be certified when qualified by rule, a person must submit an application to the Division of Water Quality, on forms provided by the Division, along with payment of applicable fees.

#### **R317-11-7. Training and Examinations.**

Training will be provided by the Training Center. Examinations will be given at the conclusion of each training session. Training will be provided at least twice per year, but may be given more often depending on the need. Persons who have received training from the USU Training Center since January 1, 1999, will not be required to repeat such training. However, they still must take and pass the examination at the times and places designated by the Training Center.

#### **R317-11-8. Certificates.**

8.1. For those required to be trained and tested in order to be certified, certificates will be issued by the Division upon receiving ~~[notification from the Training Center]~~ application including evidence that the person has received the required training and successfully passed the examination. ~~[Notification shall include a copy of the application for certification, results of testing, and documentation of the attendance at training.]~~

8.2. For those who are qualified ~~[certified]~~ by rule based on licensing, education, and/or experience, a certificate will be issued by the Division upon receipt of the application and evidence that the requirements of R317-11-5 above have been met.

#### **R317-11-9. Renewal of Certification.**

9.1. For those certified at Level 1 for soils evaluation and percolation testing, or Level 2 for design, inspection and maintenance of conventional underground wastewater disposal systems, certification will be valid for a period of five years from the date of issuance of a certificate under R317-11-8 above. For those certified at Level 3 for design, inspection and maintenance of alternative underground wastewater disposal systems, certification will be valid for a period of two years from the date of issuance of a certificate under R317-11-8 above. Certificate renewal will be required of those certified based on training/testing and those certified based on licensing, education and/or experience. Renewal of a certificate may be obtained by:

A. Making application to the Division along with payment of applicable fees, and

B. Showing evidence of successfully completing a refresher course as provided by the Training Center, or other training approved by the Division of Water Quality.

#### **R317-11-10. Appeals.**

Any person may request a hearing before the Board of an action or decision by the Training Center or the Division affecting that person. The person must file the appeal within 30 days of the Division's decision. The hearing will be at a time and location set by the Board. All appeals should be submitted to: Executive Secretary of the Water Quality Board, Division of Water Quality, Department of Environmental Quality, State of Utah, Salt Lake City,

UT 84114-4870.

**R317-11-11. Suspension or Revocation of Certification.**

11.1. An individual may have his certificate suspended or revoked based on the grounds listed in subparagraph 11.2. Prior to suspension or revocation of a certification, the individual shall be informed in writing of the reasons the Executive Secretary is considering such action and shall be allowed the opportunity to submit a response prior to the Executive Secretary making a decision.

11.2. Grounds for suspending or revoking certification may be any of the following:

- A. Demonstrated disregard for the public health and safety;
- B. Misrepresentation or falsification of information or reports submitted to the Division;
- C. Cheating on a certification exam;
- D. Falsely obtaining or altering a certificate; or
- E. Incompetence, misconduct or gross negligence in the performance of work done pursuant to the certification.

11.3. Suspension or revocation may result where it is shown that the circumstances and events relative to the work done pursuant to the certification were under the individual's jurisdiction and control. Circumstances beyond the control of an individual shall not be grounds for a suspension or revocation action.

11.4. Any suspension or revocation decision by the Division may be appealed to the Board. Written request for a hearing before the Board must be filed with the Division within 30 days of the decision.

**R317-11-12. Certification Requirements and Effective Dates.**

After January 1, 2002, no person shall design, inspect, maintain, or conduct percolation or soil tests for an underground wastewater disposal system without first obtaining certification from the Board. However, if a person has submitted an application to be certified, or has registered for training at the Training Center, prior to January 1, 2002, they are considered to be temporarily certified for purposes of this rule, and subject to R317-4 and any local health department requirements, until their application is acted upon or July 1, 2002, whichever is earlier. If a person has submitted an application to be certified, or has registered for training at the Training Center, after January 1, 2002 but before July 1, 2002, they are also considered to be temporarily certified for purposes of this rule, and subject to R317-4 and any local health department requirements, but only from the date of training registration or submittal of the application for certification until their application is acted upon or July 1, 2002, whichever is earlier. In no event shall any person be considered to be certified after July 1, 2002, unless they have successfully completed training and testing, if required, and received a certification from the Board.

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